

To: Vaughn, Stephanie[Vaughn.Stephania@epa.gov]
Cc: John Rolfe[jrolfe@demaximis.com]; Willard Potter[otto@demaximis.com]; Stan Kaczmarek[StanK@demaximis.com]; Hoppe, Michael[Hoppe.Michael@epa.gov]; Dawn Monsen[dawn.monsen@klgates.com]; Karyllan Mack[Karyllan.Mack@klgates.com]; William Hyatt[william.hyatt@klgates.com]
From: Robert Law
Sent: Wed 7/31/2013 8:45:18 PM
Subject: Re: WQMP....

Stephanie:

As you and I discussed earlier today, the CPG will implement the WQMP as directed by EPA with respect to these and previous comments. Nonetheless, it remains the CPG position that these triggers are overly sensitive and don't adequately address:

- (1) the periodic variations in ambient turbidity (due to the estuarine circulation within the LPRSA);
- (2) increased turbidity associated with increased river flow; and,
- (3) increased turbidity generated as the result of Route 3 Bridge construction.

The CPG believes that these trigger levels will result in unnecessary monitoring and possible cessation of work.

The CPG intends to revisit these triggers and associated monitoring with EPA at the earliest opportunity.

Thank you.

R/
Rob

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>>> "Vaughn, Stephanie" <Vaughn.Stephania@epa.gov> 7/30/2013 4:40 PM >>>

Hi Stan,

We have reviewed the information you submitted related to the WQMP, including the turbidity and TSS data results and your recommended modifications to the current plan. Based on this review, we recommend the following:

1. Trigger Level - ambient plus 30 NTU for four consecutive 15-minute intervals. Response: review and revise implementation of BMPs, and try to determine cause of exceedance. Collect turbidity and TSS samples outside of the silt curtain

2. Action Level - Trigger level met, plus the readings are greater than 50 NTU for four consecutive 15-minute intervals. Response: stop dredging, review BMPs and try to determine cause of exceedance. Collect COC/turbidity/TSS samples and coordinate with EPA oversight personnel.

A review of the existing data shows that this action level will be exceeded about 1% of the time. Note that we are counting instances when the turbidity readings exceed the action level for more than 1 hour as a single event.

Also note that COC samples can be held and not analyzed until an evaluation of the situation is completed. If it can be shown that the cause of the exceedance is not related to dredging activities, then the samples do not necessarily need to be analyzed.

Our goal is to minimize/avoid shutdowns, particularly those not due to dredging activities, and if these trigger and action levels prove inoperable, then they can be revised. The readings at Buoy #5 should be used to modify operations on an ongoing basis so that the number of times the trigger/action levels are met are minimized.

Request to modify sampling plan:

The excel file you sent with the TSS-turbidity data does not include a key with the sample naming convention, so that we can determine the depth and location on the transect of each sample. We are not opposed to the idea of collecting samples at mid-depth only, but would like to review the data more closely before coming to a final decision. In addition, we want to review the location of the buoys along the transect.

As such, please send the key as soon as possible.

Please let me know if you have any questions.

Thanks,
Stephanie